

**MINUTES OF THE CITY COMMISSION MEETING  
MARCH 10, 2003**

The City of Leesburg Commission held a regular meeting Monday, March 10, 2003, in the Commission Chambers at City Hall. Mayor Connelly called the meeting to order at 5:30 p.m. with the following members present:

Commissioner David Knowles  
Commissioner Bob Lovell  
Commissioner Ben Perry  
Commissioner Lewis Puckett  
Mayor David Connelly

Also present were City Manager (CM) Ron Stock, City Attorney (CA) Fred Morrison, Acting City Clerk (ACC) Betty Richardson, the news media, and others.

Commissioner Knowles gave the invocation followed by the Pledge of Allegiance to the Flag.

**APPROVED CITY COMMISSION MINUTES OF THE REGULAR MEETING HELD  
FEBRUARY 24, 2003 AND THE CLOSED MEETING HELD FEBRUARY 24,  
2003**

Commissioner Perry moved to approve the City Commission minutes of the regular meeting held February 24, 2003 and the closed meeting held February 24, 2003. Commissioner Knowles seconded the motion and it carried unanimously.

**CITIZEN JACKIE JOHNSON SPOKE REGARDING SAFETY CONCERNS ON  
STREETS IN THE HILLTOP SUBDIVISION**

Jackie Johnson, representing the residents of Hilltop Subdivision, spoke to the Commission regarding safety concerns in Hilltop Subdivision between Griffin Road and Scotty's Hardware. She stated speeders are a serious problem along Williams, Penn, Pamela, Hill, and Susan Streets. The group requested two-way and three-way stop signs at several intersections and speed bumps on several streets.

The Commissioners were in agreement this is a problem that requires attention and said they prefer stop signs over speed bumps.

Public Works Director Richards voiced his concern regarding the stop signs and the speed bumps/tables and recommended against these actions.

Police Chief Idell recommended installing a three-way stop at Williams and Susan Streets.

CM Stock advised even though this does not fit within the State traffic handbook, staff recommends the three-way stop and staff will monitor the area for ninety days to see if additional signs are needed.

Commissioner Lovell moved to have a three-way stop sign installed on Williams and Susan Streets. Commissioner Perry seconded the motion and it carried unanimously.

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Mayor Connelly advised, for the record, James Morrison could not attend the meeting but telephoned a statement in favor of using the stop signs and speed bumps to help with the problem.

### **CONSENT AGENDA:**

Pulled for discussion – B2 FDOT Funding agreement for Taxiway A improvements; and B10 – Ms. Miller's satisfaction of mortgage

Commissioner Perry moved to adopt the consent agenda and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the consent agenda, as follows:

### **PURCHASING ITEMS:**

1. 03-FB-13 Computer Room Furniture awarded to Ernie Morris Enterprises, Inc. for \$6,131.20
2. State Contract Computer Hardware Upgrade for MIS Dept. awarded to Clover Systems of Orlando for \$25,013.00

### **RESOLUTIONS:**

#### **RESOLUTION 6722**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to authorize the execution of a maintenance agreement with Southeastern Telecom of Florida, Inc. to provide annual telephone system maintenance and repair to the City of Leesburg and providing an effective date.

#### **RESOLUTION 6723**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve change order #4 to the contract with Prime Construction Group, Inc. relating to the construction of taxiway extensions at the Leesburg Regional Airport; and providing an effective date.

#### **RESOLUTION 6724**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing and directing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Sunair Aviation, Inc. for the purpose of amending the lease between the City and Sunair for premises at Leesburg Regional Airport to allow certain limited maintenance activities; and providing an effective date.

#### **RESOLUTION 6725**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to approve change orders #1 - #3 to the contract with R.D. Michaels, Inc. relating to construction of the new police complex, and providing an effective date.

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### **RESOLUTION 6726**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and E.G.P., Inc. for the maintenance of copiers and providing an effective date.

### **RESOLUTION 6727**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and Electric Services, Inc. for additional services related to radio system upgrade for the Police Department and the relocation of Engineering Department and providing an effective date.

### **RESOLUTION 6728**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to renew an agreement between the City of Leesburg and ENCO Laboratories for providing surface and groundwater sampling and testing services, and providing an effective date.

### **RESOLUTION 6729**

A resolution of the City Commission of the City of Leesburg, Florida, approving the circulation and registration policy as set forth by Lake County Library System; and providing an effective date.

### **RESOLUTION 6730**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the deferral of water and wastewater impact fees for an affordable housing project by CHPC Leesburg, Ltd.; and providing an effective date.

### **RESOLUTION 6731**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing Suntrust Bank, Central Florida, N.A. to honor all checks, drafts, or other orders for the payment of money drawn in the name of the City; authorizing Suntrust Bank, Central Florida, N.A. to honor and charge the City Commission of all such orders for the payment of money; designating the individuals authorized to issue orders for the payment of money on behalf of the city and providing a sample of said individuals signatures; and providing an effective date.

### **RESOLUTION 6732**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing United Southern Bank to honor all checks, drafts, or other orders for the payment of money drawn in the name of the City; authorizing United Southern Bank to honor and charge the City Commission of all such orders for the payment of money; designating the individuals authorized to issue orders for the payment of money on behalf of the city and providing a sample of said individuals signatures; and providing an effective date.

### **RESOLUTION 6733**

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to designate the position of City Manager and/or Deputy City Manager as signature authority for future "Request for Temporary Closing of State Roads" with FDOT; providing an effective date.

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**RESOLUTION 6734**

A resolution of the City Commission of the City of Leesburg, Florida, reappointing Sanna Henderson and John O'Kelly, said terms to expire March 10, 2006 and appointing Mitchell Smallwood, said term to expire March 10, 2004 to the vacant alternate position of the Historic Preservation Board; and providing an effective date.

**RESOLUTION 6735**

A resolution of the City of Leesburg, Florida, accepting and approving a plat of LRMC Professional Office Subdivision, First Addition, a subdivision in an R-3 (Moderate Density Residential) district, within the City of Leesburg, Florida, generally located north of Medical Plaza Drive, south of Dixie Avenue, and west of Lake Street, lying in Section 25, Township 19 South, Range 24 East; and accepting and dedicating to the use of the public the streets and public places contained therein; and providing an effective date.

**ADOPTED RESOLUTION 6736 AUTHORIZING EXECUTION OF AN AGREEMENT WITH FLORIDA DEPARTMENT OF TRANSPORTATION TO FUND THE ENGINEERING AND CONSTRUCTION OF IMPROVEMENTS TO TAXIWAY "A" AT LEESBURG REGIONAL AIRPORT**

Commissioner Knowles introduced the resolution to be read by title only. ACC Richardson read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida authorizing the Mayor and City Clerk to execute an agreement between the City of Leesburg and the Florida Department of Transportation for the purpose of funding the engineering and construction of the radius of Taxiway "A" at the intersection of Runway 31 to meet FAA standards at the Leesburg Regional Airport; and providing an effective date.

CM Stock advised the owners of two larger airplanes at the airport approached Airport Manager Charlie Weller about the problems they were having on Taxiway "A" and requested changes. Mr. Weller obtained 90% of the funding from FAA for the changes and 5% from FDOT and then was able to get the other 5% funding from the Villages. These improvements will not cost the taxpayers anything. CM Stock complimented Mr. Weller for his work and said, "this was over and above the role of an Airport Manager."

Commissioner Perry moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

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**ADOPTED RESOLUTION 6737 AUTHORIZING EXECUTION OF A SATISFACTION OF MORTGAGE IN FAVOR OF MARGARET E. MILLER REGARDING A HOUSING REHABILITATION LOAN**

Commissioner Lovell introduced the resolution to be read by title only. ACC Richardson read the resolution, as follows:

A resolution of the City Commission of the City of Leesburg, Florida, authorizing the Mayor and City Clerk to execute a satisfaction of mortgage in favor of Ms. Margaret E. Miller for the purpose of satisfying a mortgage given to secure a housing rehabilitation loan; and providing an effective date.

Housing & Economic Development Director (HEDD) Ken Thomas advised HUD rules require cities to return any leftover dollars in the grant program to the Department of Community Affairs.

CM Stock advised if the City does not waive the balance of the mortgage of \$3,425, the Department of Transportation will pay that additional amount for the property. The City will, in turn, write a check back to the State for that amount.

Commissioner Perry moved to adopt the resolution and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Puckett	Yea
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Commissioner Perry	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the resolution.

**OTHER AGENDA ITEMS:**

1. Appropriate forfeiture funds to purchase an outdoor advertising sign to support the Leesburg High School Athletic Booster club
2. Approve the Curfew Waiver for Skateworld for March 14, 2003, and May 30, 2003
3. Approve the Six-Year Sidewalk Improvement Plan

**PUBLIC HEARINGS:**

Mayor Connelly announced the ads for Public Hearing H1 and Public Hearing I were not published prior to the February 24, 2003, Commission meeting due to an error by the newspaper. These items will again be presented for first reading.

**ADOPTED ORDINANCE 03-30 ACCEPTING AN UTILITY EASEMENT FROM LEWIS A. PUCKETT FOR PROPERTY IN SECTION 35-19-24 (OFF RIVIERA DRIVE)**

Commissioner Puckett announced he will abstain from voting on this item.

Acting City Clerk Richardson read the ordinance by title only, as follows:

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An ordinance of the City of Leesburg, Florida, accepting a utility easement from Lewis A. Puckett, as grantor, to the City of Leesburg, as grantee, pertaining to land located in Section 25, Township 19 south, Range 24 east, Lake County, Florida; providing an effective date.

Commissioner Perry moved to adopt the ordinance and Commissioner Lovell seconded the motion. The roll call vote was:

Commissioner Perry	Yea
Commissioner Puckett	Abstained
Commissioner Knowles	Yea
Commissioner Lovell	Yea
Mayor Connelly	Yea

Four yeas, no nays, one abstention, the Commission adopted the ordinance.

### **ADOPTED ORDINANCE 03-31 AMENDING 2-191 PERTAINING TO THE CITY CLERK-FINANCE DIRECTOR**

Acting City Clerk Richardson read the ordinance by title only, as follows:

An ordinance of the City of Leesburg, Florida amending §2-191 of the Code of Ordinances, pertaining to the City Clerk-Finance Director, to provide that the City Manager shall appoint and supervise the City Clerk-Finance Director; providing for circumstances under which the City Clerk-Finance Director should not be terminated or disciplined; repealing any conflicting ordinances; providing a savings clause; and providing an effective date.

Commissioner Perry said he is not totally pleased with the checks and balances aspect of this change. However, the chain of command issue will be cleared up with this ordinance.

Commissioner Lovell moved to adopt the ordinance and Commissioner Puckett seconded the motion. The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea

Five yeas, no nays, the Commission adopted the ordinance.

### **WITHDREW RESOLUTION TO ALLOW CITY MANAGER STOCK TO HONOR THOMAS P. KLINKER'S CONTRACT WITH THE CITY COMMISSION**

CM Stock advised this item was tabled until this meeting. The resignation of the Finance Director made it unnecessary to approve this resolution.

CA Morrison advised a settlement was agreed upon Friday. He should receive the document next week and will obtain signatures.

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**INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY 19.02 ACRES NORTH OF STATE ROAD 44, SOUTH OF JONES DRIVE, AND WEST OF CR 468, IN SECTION 21-19-24 FROM COUNTY URBAN TO CITY I AND CO (BERYL STOKES)**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 19.02 acres and generally located north of State Road 44, south of Jones Drive, and west of County Road 468, lying in Section 21, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City I (Industry) and CO (Conservation); and providing an effective date. (Beryl Stokes)

**INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION FOR APPROXIMATELY 29.8 ACRES NORTH AND WEST OF LEGACY OF LEESBURG IN SECTIONS 13, 14, 23, AND 24, -20-24 FROM RH TO C AND CO (ZAPPA, MUSCARELLA & ASSOCIATES)**

Commissioner Puckett introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 29.8 acres and generally located north and west of Legacy of Leesburg, south of County Road 48, and east of U.S. Highway 27, lying in Sections 13, 14, 23, 24, Township 20 south, Range 24 east, Lake County, Florida, from RH (Residential High Density) to C (Commerce) and CO (Conservation); and providing an effective date (Zappala, Muscarella, and Assoc Property).

**INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 5.23 ACRES OWNED BY BENJAMIN F. AND TINA R. PERRY NORTH OF SUNNYSIDE DRIVE AND WEST OF TOMATO HILL ROAD IN SECTION 30-19-25 AND REZONING FROM COUNTY R-1 TO CITY A (QUASI-JUDICIAL)**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance annexing certain property owned by Benjamin F. Perry, III, and Tina R. Perry, said property consisting of approximately 5.23 acres and being generally located north of Sunnyside Drive, south of Fern Circle, east of Fern Drive, and west of Tomato Hill Road, lying in Section 30, Township 19 south, Range 25, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City

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as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-1 (rural residential) to City A (agricultural); and providing for an effective date

CA Morrison swore in Ben Perry.

Commissioner Lovell asked why Commissioner Perry did not wish to annex all fifteen acres in the tract. Commissioner Perry explained he likes to dove hunt and shooting firearms within the City limits is not permitted.

Commissioner Perry announced he will abstain from voting at second reading of this ordinance.

### **INTRODUCED AN ORDINANCE CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY 5.23 ACRES NORTH OF SUNNYSIDE DRIVE AND WEST OF TOMATO HILL ROAD IN SECTION 30-19-25 FROM COUNTY URBAN EXPANSION TO CITY RL (BEN PERRY PROPERTY)**

Commissioner Puckett introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing 5.23 acres and generally located north of Sunnyside Drive, south of Fern Circle, east of Fern Drive, and west of Tomato Hill Road, lying in Section 30, Township 19 south, Range 25 east, lake County, Florida, from County Urban Expansion to City RL (Residential Low Density); and providing an effective date (Ben Perry Property).

### **INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 30.32 ACRES OWNED BY LINDA RICHEY, NORTH OF SOUTH STREET, SOUTH OF MAIN STREET, AND WEST OF COACHWOOD COLONY, IN SECTION 28-19-24 AND REZONING FROM COUNTY R-6 TO CITY R-2 (QUASI-JUDICIAL)**

Commissioner Puckett introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance annexing certain property owned by Linda Richey, said property consisting of approximately 30.32 acres and being generally located north of South Street, south of Main Street, and west of Coachwood Colony, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said City; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County R-6 (Urban Residential) to City R-2 (Low Density Residential); and providing for an effective date (Linda Richey property).



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Mayor Connelly advised this is a quasi-judicial item and requested anyone planning to testify be sworn in.

CM Stock commented the document presented at this reading differs from the ordinance presented at the last meeting for first reading. Staff made modifications to the ordinance based on the public comments and Commission comments received at the last meeting. The R-3 zoning was too dense for the property and has been re-written for R-2. The Comprehensive plan request was changed from RH to RM. Coachwood Colony, immediately adjacent to this property, is probably as dense as development should be in this neighborhood and is at eight units per acre. A considerable amount of this particular property is in wetlands and will not have any development. The developer requested 100's of units; the annexation agreement reduces the density to no greater than 168 units. When roadways and other site specific improvements are made the density may have to be less than the 168 units.

CA Morrison swore in Laura McElhanon.

Community Development Director (CDD) Laura McElhanon advised the R1A designation covers 10,000 sq. ft. with 4 units per acre; R1 is 7,000 sq. ft. with 6 units per acre; R2 zoning wise is 12 units per acre. However, the land use designation will limit the property to 8 units per acre. The City currently does not have a zoning designation of 8 units per acre to match the land use designation. The developer can apply to the state and federal agencies to mitigate wetlands, but the annexation agreement reduces the maximum units to 168 even if they fill the wetlands.

CDD McElhanon stated the developer still must show the City the property has legal access. The development must have access to a public roadway, which would be S.R. 44. She advised Richey Road is County maintained, and does not meet the City's minimum standards. The pavement must be 20 ft. wide. Normally, the City requires 50 ft. right-of way. Under certain conditions, the developer could be allowed to request a variance to reduce the requirements. This is an issue of concern, but it typically is not resolved at this point of the planning stage.

Commissioner Puckett asked if the typical density in Leesburg is about 4 units per acre. CDD McElhanon advised the City has a wide variety of density levels throughout the City. CM Stock stated most of the City areas are 4 to 6 units per acre except for Sunnyside or some of the larger subdivisions immediately on the outskirts of the City. Four units per acre would resemble the density of Palmora Park.

Commissioner Knowles said he is still concerned because there is neither road access nor a plan for how access can be made to the development. CM Stock stated the Commission is voting on the annexation and comprehensive plan amendment and not approving site specific plans at this time. There are a number of steps to be taken prior to final approval. Last meeting, CA Morrison said the Commission would be granting some rights in the annexation and CM Stock advised the Commission to be careful.

Commissioner Perry requested additional information on the road requirements for this project at the second reading of the ordinance.

CDD McElhanon stated the next time the Commission will see this development is for plat approval. At that point if the development meets the minimum standards, the Commission will not have opportunity to make changes. The Planning & Zoning Commission will have additional reviews if the PUD becomes a requirement in the annexation agreement.

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**PULLED RESOLUTION AUTHORIZING EXECUTION OF ANNEXATION AGREEMENT WITH LINDA RICHEY, ET. AL., FOR PROPERTY IN SECTION 28-19-24**

CM Stock requested the Commission not to adopt the resolution authorizing the annexation agreement and staff will amend the agreement to provide for a PUD and return it at the second reading. Also, staff will provide information on what will be required as minimum standards for the entry road.

CDD McElhanon stated the next item is the large scale comprehensive plan amendment for this property. The first reading is tonight, but will not return to the agenda for several months. As it stands now, the land use designation allows eight units per acre. The Department of Community Affairs limits how many times per year a City can transmit comprehensive plan amendments. Any other actions will delay the project until the first part of next year.

Commissioner Puckett said no one has a problem with the annexation; it is the number of units in the development.

CM Morrison asked if there is a floor on density under the proposed designation of the comprehensive plan. If eight units per acre are approved, it will not tie the Commission to that amount. CDD McElhanon said the eight units per acre will be the maximum on the property, but could be less than eight.

**INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN FOR APPROXIMATELY 30.32 ACRES NORTH OF SOUTH STREET, SOUTH OF MAIN STREET, AND WEST OF COACHWOOD COLONY, IN SECTION 28-19-24 FROM COUNTY URBAN TO CITY RH AND CO (LINDA RICHEY)**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 30.32 acres and generally located north of South Street, south of Main Street, and west of Coachwood Colony, lying in Section 28, Township 19 south, Range 24 east, Lake County, Florida, from County Urban to City RM (residential moderate density) and CO (conservation); and providing an effective date. (Linda Richey property)

Commissioner Perry moved to approve transmittal of the comprehensive plan amendment to the Department of Community Affairs. Commissioner Lovell seconded the motion and it carried with four yeas and one nay by Commissioner Knowles.

**INTRODUCED AN ORDINANCE ANNEXING APPROXIMATELY 686.16 ACRES OWNED BY THE CITY OF LEESBURG, NORTH OF C.R. 470, EAST OF THE FLORIDA TURNPIKE, AND WEST OF CR 33 IN SECTIONS 9, 10, & 16,-20-24 AND REZONING FROM COUNTY A TO CITY P (FORMER PLATT FARMS PROPERTY)**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

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An ordinance annexing certain property owned by the City of Leesburg, said property consisting of approximately 686.16 acres and being generally located north of County Road 470, east of the Florida Turnpike, and west of County Road 33, lying in Sections 9, 10, and 16, Township 20 south, Range 24 east, Lake County, Florida, which is contiguous to the city limits of the City of Leesburg, Florida; providing that said property so annexed shall be liable for its proportionate share of the existing and future indebtedness of said city; providing that such annexed property shall be subject to all laws and ordinances of said City as if all such territory had been a part of the City of Leesburg at the time of passage and approval of said laws and ordinances; providing that such annexed territory shall be rezoned from County A (agricultural) to City P (public); and providing for an effective date (former Platt Farms).

Mayor Connelly requested public input. There was none.

### **INTRODUCED AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN CHANGING THE FUTURE LAND USE MAP DESIGNATION OF APPROXIMATELY 686.16 ACRES NORTH OF CR 470 EAST OF THE FLORIDA TURNPIKE AND WEST OF CR 33, IN SECTIONS 9, 10, AND 16-20-24 FROM COUNTY RURAL TO CITY PUBLIC (CITY OF LEESBURG/FORMER PLATT FARMS)**

Commissioner Puckett introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance amending the comprehensive plan for the City of Leesburg, changing the future land use map designation of certain property containing approximately 686.16 acres and generally located north of County Road 470, east of the Florida Turnpike, and west of County Road 33, lying in Sections 9, 10, and 16, Township 20 south, Range 24 east, Lake County, Florida, from County Rural to City Public; and providing an effective date (City of Leesburg/former Platt Farms)

Commissioner Perry moved to approve transmittal of the comprehensive plan amendment to the Department of Community Affairs. Commissioner Puckett seconded the motion and it carried unanimously.

### **INTRODUCED AN ORDINANCE AMENDING THE CITY'S COMPREHENSIVE PLAN; ADOPTING REVISIONS TO THE FUTURE LAND USE, TRAFFIC CIRCULATION, HOUSING, RECREATION AND OPEN SPACE, AND CAPITAL IMPROVEMENTS ELEMENTS (REQUEST MOTION TO TRANSMIT THE ELEMENTS TO THE DEPARTMENT OF COMMUNITY AFFAIRS)**

Commissioner Lovell introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, amending the City's comprehensive plan; adding, or adopting revisions to the future land use, traffic circulation, housing, recreation and open space, capital improvements elements of the comprehensive plan; adopting amendments to the comprehensive plan arising from the evaluation and appraisal report process updating the future land use map;

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creating new land use designations; repealing conflicting ordinances; providing a savings clause; and providing an effective date.

CDD McElhanon advised the Planning and Zoning Commission acting as the Land Planning Agency held three public hearings on the elements. These are the last five elements of the amendments to the comprehensive plan. CDD McElhanon reviewed the changes to the traffic circulation, housing, recreation and open space, and the capital improvements elements.

CDD McElhanon advised the maps in the comprehensive plan cover annexations up to January 1, 2002. She stated the future land use element proposes different designations, such as estate is up to 4 units per acre; low density is up to 8 units per acre; medium density, a new category, is up to 12 units per acre; and high density is up to 18 units per acre. Staff tried to make sure this land use map reflects the current land use of the properties. Several property owners have requested site specific changes, such as, Clark property on Lake Street; Carver Heights area and the Pine Street area (including Dabney Elementary and the lumber yard on Main Street) consultant requested changes; Stokes property on Lake Avenue.

Commissioner Perry commented staff would like these elements transmitted to DCA, but he has not had the opportunity to read any of the information. He received the information in parts with some being received Sunday night and some on the desk tonight. This is a long-term commitment and he does not feel comfortable making this commitment without reading the documents.

CDD McElhanon said she had presented notebooks with the information at an earlier date. The housing element is significantly different because the City now has a new Housing Director who has requested a different direction for the City. The Capital Improvement element text is the same, but the projects are different.

Commissioner Perry stated the Capital Improvement Plan has increased to \$200M in projects up from \$180M at the Commission retreat. This should not be transmitted to DCA without further discussion.

CDD McElhanon stated the elements are due to DCA March 23, 2003. Staff could request an additional extension. CDD McElhanon stated the City had eighteen months after final approval of the Evaluation and Appraisal Report to provide the EAR based amendments. The City chose this opportunity to totally re-write the comprehensive plan, not just the EAR based amendments. Leesburg has already transmitted eight of the thirteen elements. Two elements, aviation and conservation, were received from DCA with no comments and can be adopted.

Commissioner Lovell said this plan is basically the plan the City has had for a long time and it needs to be transmitted to DCA. He asked why there is so much area for high density. CDD McElhanon said this reflects the current density.

Dr. Ed Schlein said the area designated as high density allows up to eighteen units, but in reality you get twelve units per acre. There is no benefit to having high and medium density designations when they are the same and would like the values of medium and high density to reflect the actual amount of units in each category. He owns property adjacent to the Stokes property that he plans to develop into a single-family, gated community. High density directly adjacent to single family is not good for the area.

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Beth Payne, property owner at 208 N. Lake Avenue, expressed strong opposition to the proposed change in land use on the Stokes property. She presented a petition of residents (over 50 signatures) who do not want this development in their area. She said they have a quiet neighborhood and they do not want to live next to a development with 200 units, which translates to approximately 400 vehicles trying to get onto US 441 from Newell Hill or Lake Avenue. One of her major concerns is safety because of the roadways. The current zoning is for eight units per acre, but if this comprehensive plan is approved it will go to a higher density. The Commission heard tonight about how the Hilltop Subdivision was adversely affected by having an apartment complex in their neighborhood. Ms. Payne said she has a copy of the proposed development from the Planning & Zoning Commission showing two-story apartment buildings, with retention ponds directly across the street from her home, which will be unsightly and devalue her property. This plan is not in keeping with the rest of the neighborhood. She requested the Commission to consider the wishes of the citizens who already live in the neighborhood before they take action.

Steve Richey, representing Beryl Stokes, gave a short history on Mr. Stokes' property. The property is zoned R-3. When the comprehensive plan was adopted, the property was zoned R-3 with RH residential. In the DCA settlement agreement, the property was given the designation for 8 units per acre. After this was done, a petition was filed with former Planning & Zoning Director Hammons requesting to go back through the process to return to the former status. This process is to get Mr. Stokes back to where he was, but with 12 units per acre. He suggested the City transmit these elements to DCA and in the next few months while it is at DCA, work out a developer's agreement which will deal with the buffering, the roads, access, and other items. Mr. Richey stated that Mr. Stokes does not have a project for this property at this time. He is trying to get back to a designation he had earlier.

Steve Richey, representing the Clarks, stated this property is also zoned R-3 and had the RH designation which was decreased during the comprehensive plan adoption. He asked P&Z staff to restore the density. Mr. Richey said if the Commission transmits the future land use element as proposed, and he cannot work out a developer's agreement, then the Commission does not have to approve this at a later date.

Ken Burkhoft, resident on Third Street across from North Lake, said he is concerned about the property values. He just built a new home in the area and concerned about the traffic and the safety of his children. The roads in the area are very narrow and it would be foolish to put more traffic in the area to try to get onto Hwy 441.

Dan Robuck, property owner in the area, said he is in the process of developing a gated community of expensive homes. He does not think there should be subsidized housing across from the entrance to a gated community.

Commissioner Lovell left the room at 7:12 p.m. and returned at 7:15 p.m.

Greg Beliveau, Land Planning Group representing the Carver Heights CRA and the CDC of Leesburg and Vicinity, said some of the amendments proposed at Planning & Zoning Commission were inadvertently left out of the element. Add churches in the residential land use category and add truck traffic, specifically semis that park and leave generator operating, to policy 1.7.5 which deals with land use in high traffic generators.

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Commissioner Lovell requested Greg Beliveau to speak to the issue about high and medium density. If there is no difference in the zoning, why are there different designations in the plan? Mr. Beliveau said the zoning classifications on the map today were actually approved in 1977. They were approved at a time when this comprehensive plan did not exist, when these restrictions did not exist, when these requirements did not exist. The zoning categories, as they are today, have not been changed since 1977 and as such, comprehensive plans and other regulations have been imposed and the zoning has not changed to compensate for these differentials. New requirements dealing with the environment and other issues have created this discrepancy between the zoning code and the comprehensive plan and the City's staff has been trying to make them work together. When the comprehensive plan was approved in the early 1990's, the zoning categories were not changed. Property owners relied on the zoning they had. Because steps were not taken to make the necessary changes with DCA, zoning was lost for several parcels.

Commissioner Lovell requested CM Stock's recommendation. CM Stock advised there are several options available. If the elements are in a form you are willing to transmit to DCA, action can be taken tonight. If the Commission would like additional time for review prior to transmittal, a special meeting could be scheduled prior to March 23, 2003. You can amend the proposed elements prior to transmittal. You have the right to amend prior to second reading after transmittal and review by DCA. CM Stock said because CDD McElhanon was concerned about getting the information to you in a timely manner when she set up the timeline for transmittal, she provided some of the material in draft form to the Commission in December. Staff's recommendation is to have the Commission approve transmittal of the information to DCA for review and issues heard at this meeting will be addressed while waiting for DCA review.

Commissioner Lovell moved to approve transmittal of the comprehensive plan elements to DCA. Commissioner Puckett seconded the motion. CDD McElhanon requested the Commission to acknowledge the revisions discussed at this meeting and include those by reference.

Commissioner Perry asked if the changes could also include items the Commission may find when they have the opportunity to read the elements as well as the items discussed at this meeting? He said he feels very uncomfortable about voting on something he has not read. CDD McElhanon asked the Commission to give her any changes so they can be reviewed. She said she will make the changes and provide the Commission with a copy of what will be sent to DCA.

Mayor Connelly re-stated the motion – transmit the comprehensive plan elements to DCA with the understanding that all of the discrepancies noted at this meeting will be included and listen to any relevant comments in the interim.

The roll call vote was:

Commissioner Lovell	Yea
Commissioner Perry	Yea
Commissioner Puckett	Yea
Commissioner Knowles	Yea
Mayor Connelly	Yea – with stipulations as stated

Five yeas, no nays, the motion carried.

## **MINUTES OF THE CITY COMMISSION MEETING HELD MARCH 10, 2003**

### **INTRODUCED AN ORDINANCE AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES TO ADD SECTION 18-111 TRAILS PROTECTION PROVIDING FOR STANDARDS AND PROCEDURES**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, amending Chapter 18 Streets, Sidewalks and Other Public Places of the Code of Ordinances by adding Section 18-111 Trails Protection; providing standards and procedures for the permitting construction and maintenance of trail crossings and other uses; providing for a title; providing for purpose and intent; providing for authority; providing for definitions; providing for applicability; providing a general procedure; providing standards of review; providing for permit conditions and other infractions; providing for use of the permit area; providing for penalties for violation of the ordinance; repealing conflicting ordinances; providing for severability; providing for codification; and providing an effective date.

Mayor Connelly requested discussion and there was none.

Joyce Richey Huey asked why the audience was not asked for comments at the time the Linda Richey annexation was discussed. Mayor Connelly said he thought he had provided opportunity for anyone to speak. CM Morrison said the specific statement was that anyone wishing to speak to this be sworn in and no one stood up. Anyone wishing to speak can be heard at the second reading of the ordinance.

### **INTRODUCED AN ORDINANCE AMENDING SECTION 9-4 OF THE CODE OF ORDINANCES PERTAINING TO THE BOUNDARIES OF COMMISSION DISTRICTS 1, 2, AND 3**

Commissioner Knowles introduced the ordinance to be read by title only. ACC Richardson read the ordinance, as follows:

An ordinance of the City of Leesburg, Florida, amending §9-4 of the Code of Ordinances pertaining to the boundaries of Commission Districts 1, 2 and 3; adopting a new map establishing the boundaries of those three districts; setting forth legislative findings; repealing conflicting ordinances; providing a severance clause; and providing an effective date.

**CITY ATTORNEY ITEMS:** None

#### **CITY MANAGER ITEMS:**

##### **1. Approved the 2003-2004 Budget Calendar**

CM Stock advised the September 8, 2003, hearing may be changed dependent upon the Lake County School Board meeting date. Staff has set aside four days for the budget hearings, July 21, July 22, July 24, and July 29, 2003. He suggested staff present an overview of the budget July 21, 2003, and then have the Commission determine which departments need to present their budgets in detail.

## **MINUTES OF THE CITY COMMISSION MEETING HELD MARCH 10, 2003**

Commissioner Perry requested the budget paperwork two weeks in advance of the July 21<sup>st</sup> meeting in order to have time to determine which department they want to present additional information. CM Stock said July 11<sup>th</sup> is about the earliest the information can be sent out.

Commissioner Lovell moved to approve the budget calendar. Commissioner Knowles seconded the motion and it carried unanimously.

### **2. Approved Visioning Goals**

CM Stock asked if the Commission objected to using last year's visioning goals as this year's goals.

Commissioner Perry said he has no objections to using the visioning goals other than the goals are numbered, but the goals are not in any priority. The Commission agreed to use the visioning goals as the 2003-2004 goals.

### **3. Approved 10-year Capital Plan**

CM Stock advised the three changes the Commission directed staff to make at the Retreat have been completed. The Library construction has been moved to the next budget year. The road on the south side of the Airport has been eliminated and the Gym has been changed to a community center/recreational facility with no change in the dollar amount.

CM Stock advised the revenue side of the Capital projects equation increased from \$192M to \$200M, but the expense side remained at \$188M. This is greater than the \$10 to \$12M discussed because it includes two items that are over and above the \$10M to \$12M in General Fund or other appropriated revenues; grant funding and some borrowing for wastewater facilities.

Commissioner Perry said this is a very big decision covering a long period. He suggested having Purvis Gray review this plan to see what the long term financial impact may be.

CM Stock said he will have Purvis Gray review the plan. The ten year capital plan should be viewed as a planning document. The Commission is not committed to any project until the budget including a particular project is adopted. Adopting a capital plan means it is the City's intention to do a project if funds are available.

John Christian, citizens of Leesburg, said he has worked diligently to have an indoor gymnasium facility. The Recreation Authority Board recommended at their last meeting, the City look at a gymnasium facility. He said he hopes his time on the Recreation Authority Board has not been in vain. He said, for the record, the community spoke years ago to extend \$100,000 to the Men of Distinction to build a community facility. He requested the Commission follow through with that pledge to build an indoor facility close to the downtown area.

Commissioner Perry moved to conceptually approve the Capital Improvement Plan. Commissioner Knowles seconded the motion and it carried unanimously.

### **4. Heard Monthly Financial Report for January 2003**

CM Stock presented the monthly financial report for January 2003. He reviewed the statistics on the six-page report. The main difference in expenditures this year over last is staff has been a little more aggressive in getting capital projects underway earlier in the year.



**MINUTES OF THE CITY COMMISSION MEETING HELD MARCH 10, 2003**

5. Announced Community Picnic

CM Stock announced the Community Picnic Friday, March 14, 2003, from 5:00 p.m. to 7:00 p.m. Commissioners are invited to serve as hosts and greet the citizens. The cost of the picnic will be about \$700.00.

**ROLL CALL:**

Commissioner Lovell – thanked CM Stock for being aggressive. He has heard many good comments on the progress the City is making. People are happy with the projects; sidewalks and street widening. He said he has not heard any negative comments and complimented CM Stock.

Commissioner Perry - Nothing

Commission Puckett – mentioned the Extreme Fitness Center on North Boulevard. They have a great facility and equipment and for only \$39.95 per month you can be a member. It is a good asset to the City.

Commissioner Knowles – “happy we had such a wonderful meeting this evening.”

Mayor Connelly – this has been a challenging meeting tonight. He commented on CM Stock’s new wardrobe and how the City Manager has made the Commission look like peasants. He also mentioned the property purchase on the Westside should go into this capital improvement plan.

Commissioner Lovell moved to adjourn. Commissioner Perry seconded the motion and it carried unanimously. The meeting adjourned at approximately 7:50 p.m.

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Mayor

ATTEST:

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Acting City Clerk

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*Betty M. Richardson*

Recorder

MINUTES 030310